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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,005	10/02/2003	Norman L. Anderson	ANDE-001/04US 307109-2001	6420
22903 7590 06/25/2008 COOLEY GODWARD KRONISH LLP ATTN: PATENT GROUP Suite 1100 777 - 6th Street, NW WASHINGTON, DC 20001			EXAMINER HINES, JANA A	
			ART UNIT 1645	PAPER NUMBER
			MAIL DATE 06/25/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/676,005	<b>Applicant(s)</b> ANDERSON, NORMAN L.	
	<b>Examiner</b> JaNa Hines	<b>Art Unit</b> 1645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 10 March 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 81-102 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Amendment Entry***

1. The claims filed March 10, 2008 have been entered. Claims 1-80 have been cancelled. Claims 81-102 have been newly added.

### ***Non-Responsive Amendment***

2. The amendment filed on March 10, 2008 is not fully responsive to the prior Office action because of the following omission(s) or matter(s): applicants cannot switch inventions during prosecution. In this case, applicants, after the issue of a non-final action dated March 6, 2007 have subsequently presented claims for a different invention. Applicants present claims directed to an invention distinct from and independent of the invention previously claimed, the applicant will be required to restrict the claims to the invention previously claimed if the amendment is entered, subject to reconsideration and review as provided in §§ 1.143 and 1.144.

The previous claims were directed to a method of quantifying an amount of at least a first monitor peptide and a second monitor peptide in a biological sample, the first monitor peptide and the second monitor peptide being produced by digestion of a first protein and a second protein, respectively, by a proteolytic agent, the product of the digestion of the biological sample being a digested sample, comprising: binding the first monitor peptide to a first binding agent, the first binding agent being a polyclonal antibody; and binding a labeled version of the first monitor peptide to the first binding agent, the labeled version of the first monitor peptide being present at a known amount

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in the digested binding the second monitor peptides to a second binding agent, the second binding agent being different from the first binding agent; binding a labeled version of the second monitor peptide to the second binding agent, the labeled version of the second monitor peptide being present at a known amount in the digested sample; the first monitor peptide bound to the first binding agent, the labeled version of the first monitor peptide bound to the first binding agent, the second monitor peptide bound to the second binding agent and the labeled version of the second monitor peptide bound to the second binding agent being bound peptides, peptides produced by the digestion of the biological sample not bound to the first binding agent or the second binding agent being unbound peptides, separating bound peptides from unbound peptides; and measuring the amount of the first monitor peptide that was separated from-unbound peptides using a mass spectrometer; measuring the amount of the labeled version of the first monitor peptide that was separated from unbound peptides; calculating the amount of the first monitor peptide in the biological sample; measuring the amount of the second monitor peptide that was separated from unbound peptides; measuring the amount of the labeled version of the second monitor peptide that was separated from unbound peptides; and calculating the amount of the second monitor peptide in the biological sample.

The new methods significantly have a materially different mode of operation, function, or effect; thereby significantly altering the scope of the original invention. It is noted that any newly submitted claims that are directed to an invention distinct from and independent of the invention previously claimed. Moreover, it is noted that the original

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claims were subject to a restriction, and the newly added claims would be restricted from the original claims in view of the invention being unrelated since it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects. Furthermore the distinct steps and products require separate and distinct searches. As such, it would be burdensome to search the inventions together. Therefore, because of the reasons given above that the new claims are drawn to a new and distinct invention; applicants' response is non-responsive.

3. Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ja-Na Hines whose telephone number is 571-272-0859. The examiner can normally be reached Monday thru Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Shanon Foley, can be reached on 571-272-0898. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/JaNa Hines/

Examiner, Art Unit 1645

/Mark Navarro/

Primary Examiner, Art Unit 1645